
Appendix L
Real Estate Plan

REAL ESTATE PLAN
CHATFIELD REALLOCATION PROJECT

in

DENVER COUNTY, COLORADO

Prepared for
US Army Corps of Engineers
Northwest Division
Omaha District

As of

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REAL ESTATE PLAN

Chatfield Reallocation Project in Denver County, Colorado

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in
Denver County, Colorado

PURPOSE: This Real Estate Plan is to identify and describe any and all lands, easements and rights-of-way (LER) for the construction, operation and maintenance of the Chatfield Reservoir Reallocation Project. The plan further identifies and describes any facility/utility relocations that will be necessary to implement the Project. The plan also describes the estimated LER value, together with the estimated administrative and incidental costs attributable to providing the project LER and the acquisitions process (e.g. who will be acquiring, the types of ownerships, non-Federal sponsor's ability to acquire land) that will be required to support project implementation. The non-Federal Sponsor for this project is the Colorado Department of Natural Resources (CDNR).

AUTHORITY: The REP supports the Feasibility Report for the Project. A prior Reallocation Feasibility Study was authorized by Section 808 of the Water Resources Development Act of 1986, Public Law 99-662, dated 27 November 1986, as amended (43 U.S.C. 390b). As instructed in the study authority, the storage reallocation will be made under the authority of the 1958 Water Supply Act. The authorization for the reallocation study under Section 808 of the Water Resources Development Act is as follows:

The Project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Statute 175) is modified to authorize the Secretary, upon request of and in coordination with the Colorado Department of Natural Resources and upon the Chief of Engineers' finding of feasibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Secretary determines appropriate (33 United States Code [USC] § 2201 et seq.; Public Law 99-662; 100 Statute 4082).

PROJECT DESCRIPTION: The Chatfield Reallocation Project is being carried out under the General Investigation Program. A reallocation would re-designate water storage space in the Chatfield Reservoir that is currently exclusively reserved for flood control purposes to storage space for joint flood control and conservation purposes. This is achieved by raising the top elevation of the existing multi-purpose conservation pool (the minimum multi-purpose pool elevation would be raised to 5,444 feet m.s.l.) effectively increasing capacity for multi-purpose water. The expanded multi-purpose pool would be re-designated as the "joint flood control-conservation" pool.

PROPERTY LOCATION: The proposed project site is located at the Chatfield Dam/Reservoir in Denver County, Colorado. The address is 11500 North Roxborough Park Road, Littleton, Colorado 80125. Property site lies south of Interstate 470, southwest of the City of Denver. (Exhibit “A”).

DESCRIPTION OF PROJECT SITE: The proposed project site is located at the Chatfield Reservoir on the South Platte River, south of Littleton, Colorado. The United States Army Corps of Engineers began construction of this reservoir and dam in 1967 with completion of the dam in 1975. The primary purpose for the reservoir and dam is flood control. It also serves as one of the area’s water supply reservoirs with sixteen (16) water users. The Chatfield State Park surrounds the reservoir and provides recreational opportunities and wild life habitat.

STUDIES: A Feasibility Study on Chatfield, Cherry Creek, and Bear Creek, Colorado Reallocation originated November 25, 1998.

RECOMMENDED ESTATES: **The non-Federal sponsor will be required to acquire lands to mitigate environmental impacts associated with the Recommended Alternative. The standard, approved fee simple estate will be required. In cases where the sponsor cannot acquire the mitigation areas in fee,** a conservation easement is an alternative.

FEDERAL OWNED LANDS: Project construction will take entirely place on Federally owned lands which are identified on the Exhibit “C” map. The majority of the Federally owned lands are leased to the State of Colorado, the City and County of Denver, the City of Littleton and to the Highlands Ranch who manage the lands for public park and recreation purposes. (See Exhibit “D”).

A list of the current outgrants data for the project shows 72 outgrants as of January 12, 2009. These outgrants include lands for recreational use including recreational trails; public parks; overhead and buried fiber optics cable; road maintenance, right-of-way and maintenance, operation and maintenance of electric powered water intake pumping station including installation, operation and maintenance, 3 buried feeder power lines; pipeline easements; operation and maintenance on sewer lines, roads, water lines, water pump stations, telephone facilities, buried communication cable; buried gas line; return flow ditch; overhead electric lines; drainage easement for runoff. The number of outgrants impacted by the raise in water elevation to the maximum pool of 5,444 feet has not been determined at this time.

Privately owned improvements lie within the proposed project area. Most of these improvements were constructed in conjunction with third party agreements held by the State of Colorado, the City of Denver, County of Denver, and Highland Ranch (See Exhibit “D”). Improvements include campground areas, a marina, recreational trails, roads, toilets, and wild life habitat. Exhibit “B-1” shows one of the entrance areas to the park and a typical road within the park. Exhibits “B-2” and “B-3” show improvements that are known to lie below the proposed minimum multi-purpose pool of 5,444 foot elevation and would need to be relocated, if the reallocation is approved.

Some federal lands along Sugar Creek will be used for project mitigation purposes. The U.S. Forest Service manages Sugar Creek and its resources within Pike National Forest. A draft agreement found in Appendix E Challenge Cost Share Agreement of Appendix K Compensatory Mitigation Plan between Douglas County, Chatfield Reservoir Mitigation Company and the

USDA Forest Service Pike and San Isabel National Forests Cimarron National Grasslands (PSICC) outlines the goals within a 4.5 mile designated critical habitat reach along Sugar Creek. The Preble's mouse designated critical habitat and the proposed habitat restoration area are identified on Figure 1 of the Appendix E Challenge Cost Share Agreement (page E-30). The agreement involves activities on U.S. Forest Service lands with no transfer of lands. The proposed Sugar Creek Mitigation Improvements have not been designed or finalized.

SPONSOR OWNED LANDS: The Non-Federal Sponsor owns no lands within the project footprint. The Non-Federal Sponsor (CDNR) will be required by Project Partnership Agreement to acquire lands for ecosystem mitigation, of which most will be offsite. The available onsite mitigation lands will be determined before the water elevation begins to increase.

The Project Partnership Agreement will require the Non-Federal Sponsor (CDNR) to incrementally acquire mitigation lands after the determination of available onsite mitigation areas. The possible available mitigation lands offsite were identified in the Project Compensatory Mitigation Plan prepared by ERO Resources Corporation. The Non-Federal Sponsor will not acquire the offsite mitigation lands until the project has been approved.

The Non-Federal Sponsor has provided the Omaha District a map with a listing of owners and the probable mitigation lands available on each parcel. The issue of water rights is highly sensitive, therefore an agreement that the Non-Federal Sponsor will acquire the appropriate number of mitigation units (acreage vary by habitat available) as the project progresses is stated within the Project Partnership Agreement.

The Project Partnership Agreement will require the Non-Federal Sponsor to perform the non-Federal work as specified in Reallocation Report and in accordance with applicable Federal, State and local laws, regulations and policies. Mitigation will occur onsite and offsite. While the required environmental mitigation lands may not all be on or immediately adjacent to the Federal lands, preferred lands to acquire will provide buffers and habitat connectivity. The offsite mitigation lands will not be open to the public.

The Non-Federal Sponsor will construct the project with oversight by the US Army Corps of Engineers Omaha District.

NAVIGATION SERVITUDE: There are no navigational servitude issues within this project footprint.

PUBLIC LAW 91-646: The Non-Federal Sponsor must comply with Public Law 91-646 as stated in the Project Partnership Agreement.

OUTSTANDING INTERESTS: There are no known existing third party mineral rights or interest including oil, gas, timber or any other outstanding rights that may need to be resolved for the construction, operation, and maintenance of the project.

FACILITY/UTILITY RELOCATION: Some facility and utility relocations will be required and possibly some roads. The project design team has not identified every impacted item to date. The Non-Federal Sponsor is responsible for all relocations that are required because the rise in water elevation will impact some facilities on lands within their third party agreements. Any conclusions expressed herein that a proposed relocation of a utility or facility is to be performed at the expense of the Non-Federal Sponsor as a part of the LERRD responsibilities, or

at the owner's expense as an abandonment, will be subject to confirmation or amendment by a determination of the District Engineer or his designee following formal title searches and the completion of the attorney's opinion of compensation.

ASSESSMENT OF LOCAL SPONSOR: The non-Federal Sponsor is required to self-certify their ability and experience to acquire and provide the LERRD for construction, operation, maintenance of the project, including its condemnation authority and quick-take capability.

BASELINE COST ESTIMATE: A Gross Appraisal and Baseline Cost Estimate for the project were not developed. No definitive individual tracts of mitigation land ownerships are defined at this time. Areas for possible mitigation land acquisition are identified in Exhibit "E" (furnished by ERO Resources Corporation). The Non-Federal Sponsor will receive no LERRD crediting for lands required for the project.

A Brief Market Survey was conducted by the Omaha District Staff Appraiser based on the 26 reaches identified by ERO Resources Corporation. The results of the appraiser's efforts were furnished to ERO Resources Corporation to establish a basis for comparison for lands in the 26 reaches they identified as potential habitat mitigation lands (cost of acres versus habitat mitigation units available).

The Project Partnership Agreement will require the Non-Federal Sponsor to incrementally acquire mitigation lands. The Non-Federal Sponsor will not be acquiring the required mitigation lands until the project has been approved and authorized. The Non-Federal Sponsor has provided USACE – Omaha District a map with a listing of owners and the possible mitigation lands available on each parcel.

The Non-Federal Sponsor will acquire the appropriate number of mitigation units (acreage varies by habitat available) as the project progresses.

The Non-Federal Sponsor, at their costs, will construct the project with oversight by the United States Army Corps of Engineers Omaha District.

The United States Army Corps of Engineers Omaha District estimates the cost to amend the Chatfield outgrants to be \$60,000.00. Amending outgrants do not require appraisals, therefore no appraisal costs are included in this estimate.

HTRW: There are no known potential HTRW within the project area.

ATTITUDE OF LANDOWNERS: The property owners, whose land potentially may be impacted by this project, are generally supportive of the project.

ACQUISITION SCHEDULE: The Project Manager will develop a schedule upon the approval of the Real Estate Plan and the Feasibility Study. The Non-Federal Sponsor must acquire the appropriate mitigation lands for the project. The incremental utilization of reallocated storage will not take place until documentation of the required acquisitions have been provided, reviewed, and confirmed as stated in the Project Partnership Agreement.

RECOMMENDATIONS/COMMENTS: The U.S. Army Corps of Engineers Omaha District and the Colorado Department of Natural Resources (CNDNR) recommends that the Chatfield Reallocation Project be approved.

CHATFIELD REALLOCATION PROJECT SITE

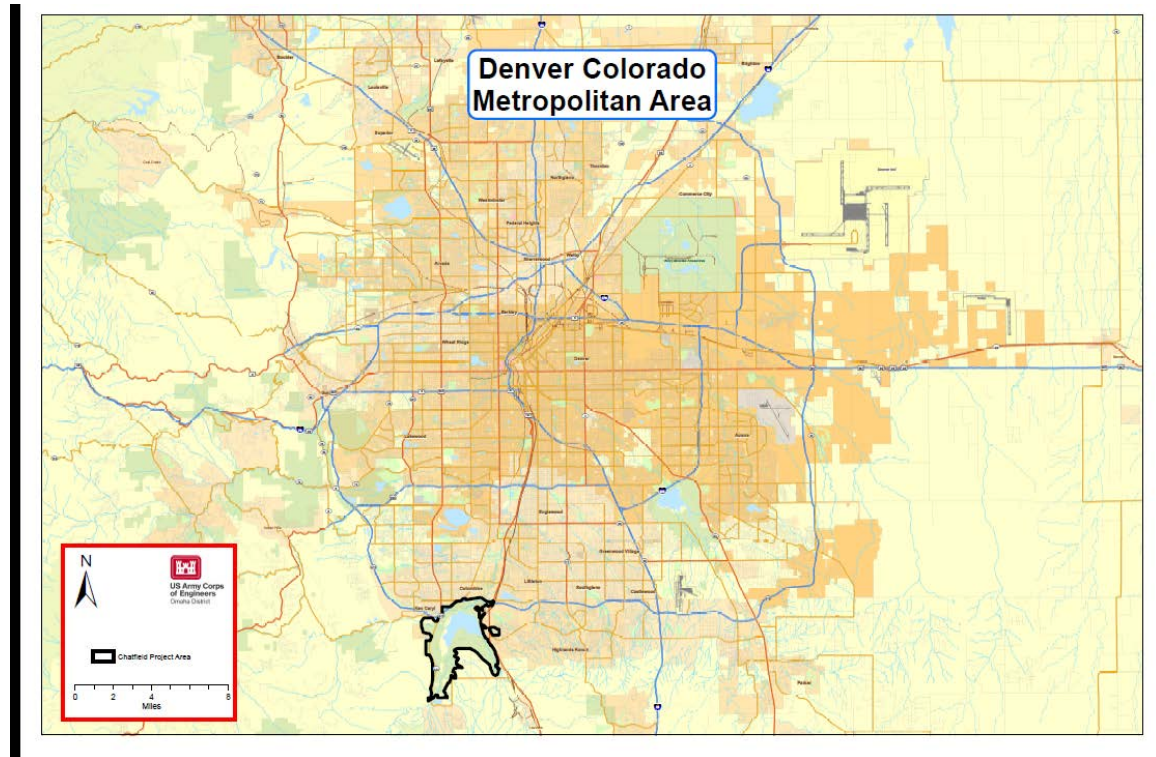


EXHIBIT “A”



Entrance to Chatfield State Park



Typical Road within Chatfield Park

EXHIBIT B-1



First Aid Station at Beach



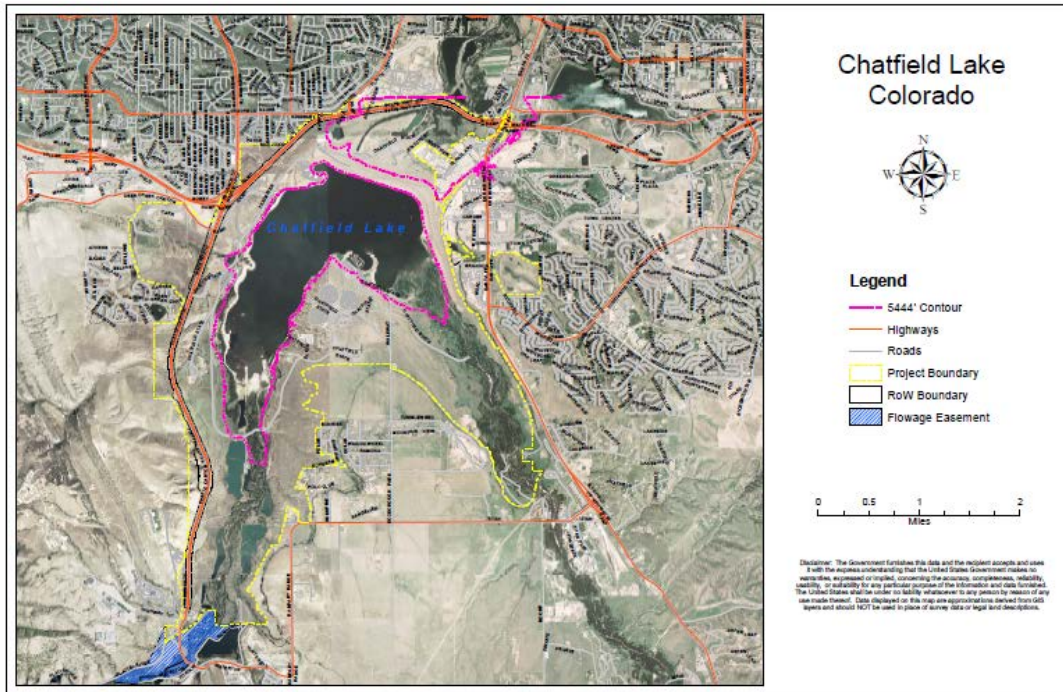
Comfort Station at Beach

EXHIBIT B-2



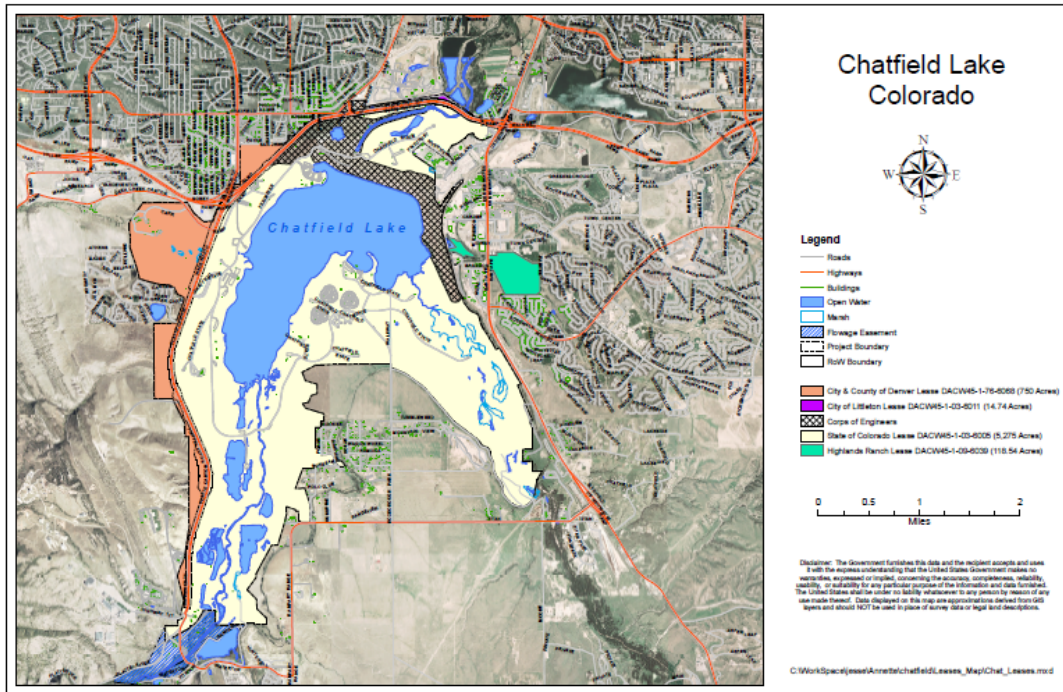
Marina will be raised to 5,444 ft. elevation

EXHIBIT B-3



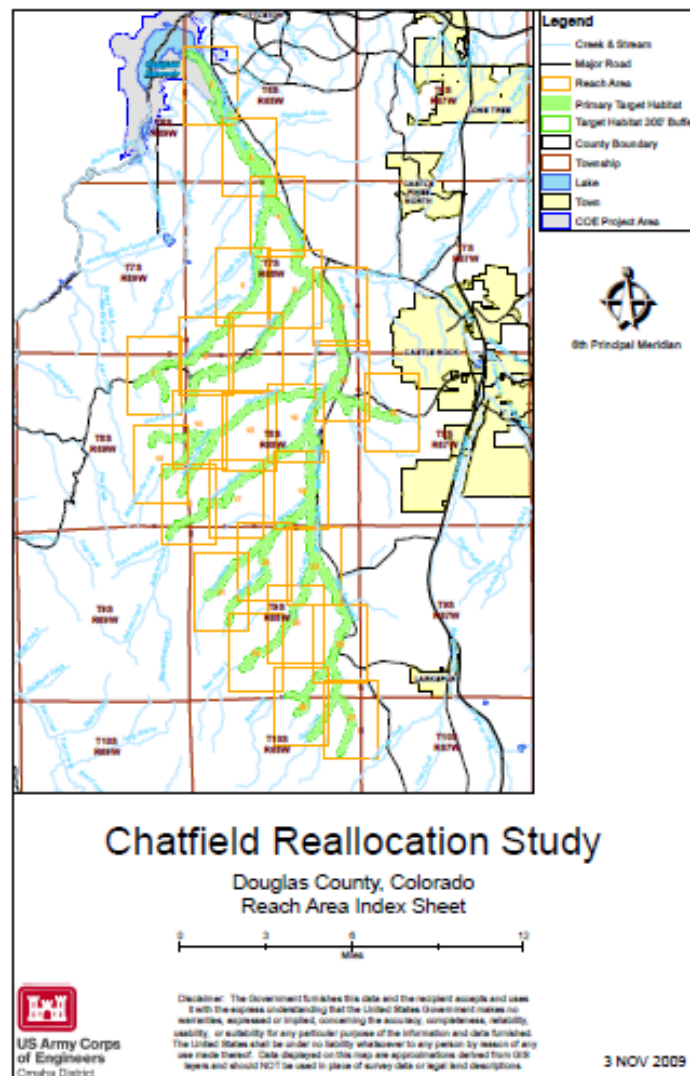
CHATFIELD REALLOCATION PROJECT MAP

EXHIBIT “C”



MAP OF LEASED AREA WITHIN CHATFIELD PROJECT

EXHIBIT “D”



Map of Possible Mitigation Lands for
Chatfield Reallocation Project

EXHIBIT “E”